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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,445	12/15/2003	Wenge Chen	1033-LB1029	3091
60533 7590 05/27/2008 TOLER LAW GROUP 8500 BLUFFSTONE COVE SUITE A201 AUSTIN, TX 78759				
EXAMINER AHMED, SALMAN				
ART UNIT		PAPER NUMBER		
2619				
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05/27/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/736,445

Applicant(s)

CHEN ET AL.

Examiner

SALMAN AHMED

Art Unit

2619

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 May 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because:
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-26.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Edan Orgad/
Supervisory Patent Examiner, Art Unit 2619

Salman Ahmed
Examiner
Art Unit: 2619

Continuation of 3. NOTE: Applicant's arguments see pages 9-14 of the Remarks section, filed 5/19/2008, with respect to the rejections of the claims have been fully considered and are not persuasive.

Response to Arguments of Claims 8, 9 and 21-25:

Applicant argues that (see page 10, paragraph 1) Paragraph 0022 of Li et al. fails to disclose a system wherein the memory includes virtual routing and forwarding (VRF) element to route target data mapping for each of a plurality of provider edge routers (PEs) and wherein all of the customer edge routers (CEs) with the same route target (RT) set on one PE share one VRF, as recited in claims 8 and 21 and Figure 2 of Li et al. does not remedy this failure.

Li further teaches, in paragraph 0014, a virtual routing and forwarding (VRF) element to route target data mapping for each of a plurality of provider edge routers (PEs) and wherein all of the customer edge routers with the same route target (RT) set on one PE share one VRF (said HoPE comprises understratum PEs (UPEs) and superior PEs (SPEs) which are connected with each other; therein the UPEs are responsible for maintaining the routes (i.e. route targets) to VPN sites connected directly with them, and allocating internal labels for routes to the VPN sites, and issuing labels to SPEs through VPN routes; the SPEs are responsible for maintaining all routes in VPNs where the sites are connected via UPEs, and issuing default VRF (VPN routing/forwarding instance) routes or converged VRF routes to UPEs, and carrying labels (i.e. all of the customer edge routers with the same route target (RT) set on one PE share one VRF)).

Li further teaches, in paragraph 0017, a virtual routing and forwarding (VRF) element to route target data mapping for each of a plurality of provider edge routers (PEs) and wherein all of the customer edge routers with the same route target (RT) set on one PE share one VRF (said MPEs are responsible for maintaining all routes (i.e. route targets) in VPNs where the sites are connected via UPEs, issuing default VRF (VPN routing/forwarding instance) routes (i.e. all of the customer edge routers with the same route target (RT) set on one PE share one VRF) or converged routes to UPEs, and replacing the labels carried by default VRF routes issued from SPEs, and issuing them to UPEs; if a MPE has generated a default route for the VRF).

Li further teaches, in paragraph 0019, a virtual routing and forwarding (VRF) element to route target data mapping for each of a plurality of provider edge routers (PEs) and wherein all of the customer edge routers with the same route target (RT) set on one PE share one VRF (deploy HoPE devices in the backbone network, and said HoPE devices serve as edge routers in the backbone network and are connected to P devices in the backbone network and sites and CE devices in subscribers' VPNs; said HoPE comprises understratum PEs (UPEs) and superior PEs (SPEs) which are connected with each other; therein the UPEs are responsible for maintaining the routes (i.e. route targets) to VPN sites connected directly with them, and allocating internal labels for routes (i.e. target routes) to the VPN sites, and issuing labels to SPEs through VPN routes; the SPEs are responsible for maintaining all routes (i.e. route targets) in VPNs where the sites are connected via UPEs, and issuing default VRF (VPN routing/forwarding instance) routes (i.e. all of the customer edge routers with the same route target (RT) set on one PE share one VRF) or converged VRF routes to UPEs, and carrying labels).

Relating to the limitation "a virtual routing and forwarding (VRF) element to route target data mapping for each of a plurality of provider edge routers (PEs)" Li further teaches, in paragraph 0024, in the HoPE, the SPEs generate global import route-target lists to filter routes from other PEs according to the collection of import route-target lists of all VRFs of UPEs connected to it.

Li further teaches, in paragraph 0041, a virtual routing and forwarding (VRF) element to route target data mapping for each of a plurality of provider edge routers (PEs) and wherein all of the customer edge routers with the same route target (RT) set on one PE share one VRF (In practice, each site is associated with an independent VRF (i.e. all of the customer edge routers with the same route target (RT) set on one PE share one VRF). The VRF corresponding to a site in a VPN actually combines VPN membership and route policy (i.e. route targets) for the site. The message forwarding information is stored in the IP route list (i.e. target routes) and the label-forwarding list of each VRF. The system maintains an independent set of route list (i.e. route targets) and label-forwarding list (i.e. route targets) for each VRF (i.e. all of the customer edge routers with the same route target (RT) set on one PE share one VRF) to avoid data leakage from the VPN as well as data entering from outside of the VPN).

It can be seen that Li in various places teaches the cited limitations. Examiner further respectfully submits that Examiner has cited particular columns, line numbers and/or paragraphs in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Applicant further argues (page 10 paragraph 2) that According to an electronic search in the USPTO's patent application database, Li et al. does not use the term "same route" or the word "share." Thus, Li et al. does not disclose a system wherein the memory...

However, Examiner respectfully disagrees with the Applicant's assertion. The limitation related to "memory" is taught by Buchanan. And clearly, the rest of the cited limitations are taught by Li; i.e. Buchanan in view of Li teach the cited limitations in question. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In regards to the words "same route" or "share", as shown above, Li in numerous places, show same route target being shared with same VRF. As such, although explicitly "same route" or "share" is not found in Li reference, implicitly it is indeed taught by Li in various part of the cited reference (see above).

Examiner respectfully thanks the Applicant to point out the typographical error which referred to "Li" as "Benjamin" in Office Action page 13 dated 2/19/2008. Examiner further thanks Applicant for realizing the typographical error and correctly looking at Li reference which was clearly described in Office Action page 8 dated 2/19/2008 as a heading to rejections of claims 8, 9 and 21-26 which stated as follows:

-----Claims 8, 9 and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buchanan et al. (US PAT PUB 2002/0191541, hereinafter Buchanan) in view of Li et al. (US PAT PUB 2004/0037275, hereinafter Li)-----

This was further re-enforced by the PTO-892 (Notice of References Cited) filed on 2/19/2008 concurrently with the cited Office Action, which clearly stated the newly cited reference as Li et al. US PAT PUB 2004/0037275.

Applicant has amended independent claims 1 and 10, thus changing the scope of the said independent claims. As such they and their respective dependent claims raise new issues and would require further consideration and/or search..